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SIPDIS

SENSITIVE

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SUBJECT: TIP Update; Latest on Prosecutions; Municipalities agree to fight trafficking

REF: A. MANILA 3011

[1](#)B. MANILA 2757

[1](#)C. MANILA 1618

[1](#)D. MANILA 0971

[1](#)1. (U) This message is Sensitive But Unclassified - Please handle accordingly.

[1](#)2. (SBU) SUMMARY: The International Justice Mission (IJM) reports that it continues to press forward with 15 Trafficking in Persons (TIP)-related prosecutions. We have asked the Department of Justice (DoJ) to confirm the total number of prosecutions ongoing nationally and it says it is gathering the information. The DoJ informs us that 10 prosecutors newly designated to help in the TIP arena are currently working on preliminary investigations of TIP cases, but not on a full-time basis. An important association of Philippine municipalities recently signed a first-of-its-kind anti-TIP agreement with a key NGO and a large shipping company. The GRP -- aided by IJM -- continues to try to record its first conviction using its anti-TIP law, but such a result remains elusive. End Summary.

News re Prosecutions

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[1](#)3. (U) The Philippine office of the NGO IJM and the GRP's Department of Justice (DoJ) continue to pursue trafficking-related cases under the terms of the 2003 Anti-Trafficking Law (R.A. 9208) and other statutes. IJM reports that, as of July 27, it is working on nine cases under R.A. 9208, plus another six cases under other statutes, such as the Anti-Illegal Recruitment Act -- a figure unchanged since Mission's last report on this matter on June 30 (ref a). Mission has requested statistics from the DoJ on TIP prosecutions on a nation-wide basis for the first half of 2005 (the IJM figures are only part of the total). The DoJ says it is compiling the information and promised to provide it to us as soon as it becomes available.

[1](#)4. (SBU) In terms of specific cases, IJM reports that it is making headway in a case it filed on June 2 in Manila against police officer Dennis Reci, the first public official charged under the anti-TIP law (ref a). The Manila Regional Trial Court has set an arraignment date for Reci for October 10. IJM has filed a motion for the issuance of a warrant of arrest for a second suspect in the case, a person known as "Mommy Angel." On July 6, the Department of Labor and Employment issued an order to close the club, which Reci owned, and where he and others allegedly coerced minors into sexual slavery. In the meantime, a well-known case the DoJ has been pursuing against suspected trafficker Alice Tongco -- which IJM expected to be concluded by mid-2005 -- has been delayed. The judge hearing the case has been on recess for over two months and prosecutors do not expect the trial to resume until mid-August. Lilian Doris Alejo, the DoJ prosecutor for the case, recently told us that key witnesses for the prosecution have recanted their testimony and will likely be called to testify for the defense, making a verdict against the defendant increasingly unlikely. The DoJ and IJM had hoped that this case would be the first in which a defendant was convicted under R.A. 9208 (ref c).

DoJ on Prosecutors

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[1](#)5. (U) On June 24, per ref a, the DoJ assigned 10 new prosecutors to handle TIP cases. These prosecutors were slated to join the initial four prosecutors that the GRP's Inter-Agency Council Against Trafficking (IACAT) assigned to TIP cases in late 2004

. According to the DoJ, the 10 newly-named TIP prosecutors are already handling preliminary investigations into a handful of TIP cases nationwide. For cases filed within Metro Manila, the new prosecutors will push forward from investigation to trial. For cases filed outside of Metro Manila, the new prosecutors will conduct preliminary investigations then,

if there is evidence of a crime, turn over the case to a local prosecutor to pursue through trial. Mission continues to hear that DoJ is also tasking all 14 prosecutors with non-TIP related cases, in addition to their anti-trafficking duties. Thus, none of them are totally dedicated to TIP cases.

16. (U) The DoJ will hold a TIP prosecutors' conference (supported by USAID's Rule of Law Effectiveness Project) in Manila on August 3. Mission will send a representative to the conference in order to learn more about the GRP's anti-TIP prosecutorial efforts.

Anti-TIP Agreement =====

17. (U) In other news, the League of Municipalities of the Philippines, a key national forum for local bodies, signed a first-of-its-kind anti-TIP Memorandum of Agreement on July 21 with the Visayan Forum Foundation (VFF), an anti-TIP NGO, and Aboitiz Transport System Corporation, one of the country's largest shipping companies. The agreement paves the way for municipalities to work in the following directions, with the technical support of VFF and Aboitiz:

-- towards the creation of local inter-agency councils and local task forces against trafficking;

-- towards the enactment of local legislation to prevent and suppress TIP;

-- towards the provision of basic services for the prevention, protection and support to victims of trafficking and their families; and,
-- towards information dissemination on TIP at the community level and promotion of best practices against TIP.

(Note: The participation of a major shipping company in this agreement is potentially significant because a large proportion of Philippine TIP victims are trafficked internally via inter-island passenger ferries, primarily from impoverished areas in the Visayas and Mindanao to Metro Manila and elsewhere. End Note.)

Comment =====

18. (SBU) As reviewed above, the GRP -- aided by IJM -- continues to try to achieve its first conviction under the terms of the anti-TIP law. Such a result remains elusive, however. The new prosecutors designated by the DoJ will hopefully make progress on TIP cases. In large part, however, the problem remains with the Philippine judiciary, which is notoriously slow and ineffective. The prevalence of non-contiguous trials, for example, delays cases and allows defendants and their associates to place pressure on witnesses, as seems to have happened in the Tongco case reviewed above. The news of the agreement among municipalities, VFF and Aboitiz is very positive, and should assist in TIP prevention, and victim identification and support.

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